

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION

CIVIL NO. 1:04CV146  
(4:96CR53)

ANTHONY HOEY, )  
 )  
 Petitioner, )  
 )  
 Vs. )  
 )  
 \_\_\_\_\_ )  
 )  
 UNITED STATES OF AMERICA, )  
 )  
 Respondent. )  
 \_\_\_\_\_ )

ORDER

**THIS MATTER** is before the Court on the Petitioner's application for a certificate of appealability.

An appeal may not be taken to the court of appeals from the denial of a motion pursuant to 28 U.S.C. § 2255 unless a certificate of appealability has been issued. **28 U.S.C. § 2253(c)(1)(B)**. Such a certificate may not issue unless the applicant has made a substantial showing of the denial of a constitutional right. **28 U.S.C. § 2253(c)(2)**. The Petitioner has not made such a showing.

**IT IS, THEREFORE, ORDERED** that the Petitioner's application for a certificate of appealability is hereby **DENIED**.

Signed: August 16, 2006

A handwritten signature in dark ink, appearing to read 'L. H. Thornburg', is written over a horizontal line.

Lacy H. Thornburg  
United States District Judge

